DECLARATION UNDER 37 § CFR 1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA; VIRGINIA 22313

SIR:

Now comes Dr. Dietrich Scherzer who declares and states that

(1) I obtained a Ph.D. from the University of Ulm, Germany, in the field of Organic Chemistry.

(2) I have been employed by BASF Aktiengesellschaft since 1985 where I have engaged in the field of polymers, especially polymer foams.

(3) My postal address is as follows:

BASF Aktiengesellschaft
GKT/R – B1
Carl-Bosch-Straße 38
67056 Ludwigshafen
Germany

(4) I am a BASF representative responsible for the above-identified application and I am a named inventor of US patent application no. 10/784,815, filed 02/24/2004.

(5) In regard to the above-identified application, I have read the Specification; pending Claims, the Office Action of 07/09/2009, the disclosure of Dietzen et al. (US 7,045,085), and I am familiar with the issues associated with the present invention.

(6) The following experiments were performed under my direct supervision:

Polyethersulfone foams were prepared according to example 1 of US 7,045,085 B2 using two extruders. In the first extruder, a melting extruder, ULTRASON 2010 from BASF AG, a polyethersulfone was melted above its glass transmission temperature, and then the blowing agent (water and optionally acetone as ancillary blowing agent) was injected into the melt under pressure and homogeneously mixed with the same. Then the mixture was transferred to a second extruder, a cooling extruder, at which the viscosity of the melt was sufficiently high to form a foam. Finally the mixture was extruded into the open atmosphere where upon it foamed.

The proportion of materials mentioned is indicated in the following table 1) and are percentages by weight. The temperature ST indicates the temperature needed for foaming. After discharge from a slot die of the extruder the melt foamed and was shaped in a calibrator to get sheets.

Table 1

Experiment	H_2O (%)	Acetone (%)	ST (°C)	Thickness (mm)	Density (g/l)
1		5	246.5	11	46
2	1	4	249.1	11	43
3	2	3	249.4	10	46
4	2	2	248.7	10	52
5	3	1	248.1	10	63
6	2		243.8	10	82
7	2		247.8	10	124
8	1.5		250.2	10	178

(7) The open-cell factor of the foams obtained in experiments 1 to 8 was measured according to DIN ISO 4590 and the following results were obtained:

Table 2

Experiment	Open-cell factor (%)
1.	3
2.	6
3.	9
4.	7
5.	8
6.	6
7.	6
8.	4

(8) From the obtained open-cell factor it is evident that none of the foams obtained has an open-cell structure.

(9) The undersigned Petitioner declares further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of this application or any patent issuing thereon.

Dietrich Scherzer

Dr. Dietrich Scherzer

11.08.09

Date